

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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AMERICAN LECITHIN COMPANY,
LIPOID GmbH, LIPOID LLC, and
PHOSPHOLIPID GmbH,

Plaintiffs,

Case No. 12-cv-00929-VSB-KNF

-against-

**NOTICE OF MOTION TO DISMISS
COUNTERCLAIMS AND THIRD-
PARTY CLAIMS PURSUANT TO
RULES 9(b) and/or 12(b)**

CARSTEN MATTHIAS REBMANN, individually and on
behalf of LIPOID GRUNDSTUECKS GmbH,

Defendant, Counterclaim
and Third-Party
Plaintiff,

-against-

HERBERT REBMANN, LIPOID STIFTUNG,
LIPOID BETEILIGUNGS GmbH,
LIPOID VERWALTUNGS AG,
LIPOID GRUNDSTUECKS GMBH, and
PHOSPHOLIPID FORSCHUNGSZENTRUM e.V.,

Third-Party Defendants.

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PLEASE TAKE NOTICE that, upon the Amended Complaint, dated April 9, 2012, the Second Amended Answer, Counterclaims and Third-Party Claims, dated May 15, 2015, the Summonses purportedly addressed to Third-Party Defendants Lipoid Verwaltungs AG f/k/a Complector AG and Lipoid Grundstuecks GmbH, dated February 13, 2014, the purported proofs of service on them of the same, dated May 9, 2014, the Declarations of Dr. Bruce Baretz, dated January 14, 2015, of Dr. Herbert Rebmann, dated June 25, 2015, of Elizabeth Sikora, dated January 13, 2015, of Randall Zigmont, dated January 13, 2015, and of Gregory F. Hauser, dated June 29, 2015, the exhibits to those declarations, the accompanying memorandum of law, and all prior pleadings, papers and proceedings heretofore had herein, the undersigned will move this

Court before the Honorable Vernon S. Broderick, U.S.D.J., in Courtroom 518 at the United States District Courthouse, 40 Foley Square, New York, New York 10007 for an order dismissing:

(a) Defendant's Third-Party Claims as against former Third-Party Defendants Lipoid Verwaltungs GmbH and Lipoid AG pursuant to Fed. R. Civ. P. 41(a);

(b) Defendant's Counterclaims and Third-Party Claims pursuant to Fed. R. Civ. P. 12(b)(1) for lack of subject-matter jurisdiction, or, in the alternative as to any and all of such claims, declining to exercise supplemental jurisdiction pursuant to 28 U.S.C. § 1367(c);

(c) Defendant's Third-Party Claims as against Third-Party Defendants Lipoid Verwaltungs AG and Lipoid Grundstuecks GmbH pursuant to Fed. R. Civ. P. 12(b)(4) for insufficient process;

(d) Defendant's Third-Party Claims as against Third-Party Defendants Lipoid Verwaltungs AG and Lipoid Grundstuecks GmbH pursuant to Fed. R. Civ. P. 12(b)(5) for insufficient service of process;

(e) Defendant's Third-Party Claims as against Third-Party Defendants Lipoid Verwaltungs AG and Lipoid Grundstuecks GmbH pursuant to Fed. R. Civ. P. 12(b)(2) for lack of personal jurisdiction;

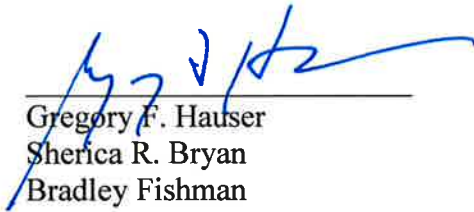
(f) Defendant's First through Twelfth Counterclaims and Third-Party Claims, and each of them, pursuant to Fed. R. Civ. P. 12(b)(6) for failure to state a claim upon which relief can be granted;

(g) Defendant's Fourth Counterclaim/Third-Party Claim pursuant to Fed. R. Civ. P. 9(b) for failure to allege fraud with particularity; and

(h) Granting such other and further relief as to the Court seems just and proper.

Dated: June 29, 2015

Respectfully submitted,



Gregory F. Hauser

Sherica R. Bryan

Bradley Fishman

Wuersch & Gering LLP

100 Wall Street, 10th Floor

New York, New York 10005

Tel: (212) 509-5050

Fax: (212) 509-9559

*Attorneys for Plaintiffs and for
Third-Party Defendants Herbert
Rebmann, Lipoid Verwaltungs AG
and Lipoid Grundstuecks GmbH*

To: Samuel Goldman, Esq.
Samuel Goldman & Associates
100 Park Avenue – 20th Floor
New York, NY 10017
Tel: (212) 725-1400
Fax: (212) 725-0805
Attorneys for Defendant and Third-Party Plaintiff